

LOCAL RULES
OF THE UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS



Including Amendments
Through May 6, 2016

LOCAL RULES

OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

Effective September 1, 1990

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PREFACE

At the request of the Committee on Rules and Practice of the Judicial Conference of the United States, local rules dealing with civil practice have been renumbered to key them to the Federal Rules of Civil Procedure. Accordingly, the numbering is not sequential. Criminal Rules will be numbered from 100 to 199, and district court rules relating to bankruptcy from 200 to 299.

RULE 83.5.3 PRACTICE BY PERSONS NOT MEMBERS OF THE BAR

- (a) **Generally.** An attorney who is not a member of the bar of this district may appear and practice in this court as set forth in this rule.
- (b) **Requirement of Good Standing.** Except as provided in paragraph (e)(5) of this rule, no attorney may appear and practice if he or she:
 - (1) is not a member of the bar in good standing in every jurisdiction in which the attorney has been admitted to practice; or
 - (2) is the subject of disciplinary proceedings pending in any jurisdiction in which the attorney is a member of the bar.
- (c) **Attorneys for the United States.** An attorney who is employed by the United States or any of its departments or agencies may appear and practice as an attorney for the United States, any department or agency of the United States, or any officer or employee of the United States.
- (d) **Federal Defenders.** An attorney employed in the Federal Defender's Office in this District may appear and practice as an attorney pursuant to a court appointment or on behalf of his or her office.
- (e) **Procedural Requirements for Admission.**
 - (1) **Leave of Court Required.** An attorney who is a member of the bar of any United States District Court or the bar of the highest court of any state may appear and practice in this court in a particular case by leave of court.
 - (2) **Motion by Local Counsel.** An application for leave to practice in this court shall be made by motion of a member of the bar of this court, who shall also file an appearance.
 - (3) **Certification by Attorney.** Any attorney seeking admission under this rule shall file a signed certification that the attorney:
 - (A) is a member of the bar in good standing in every jurisdiction in which the attorney has been admitted to practice;
 - (B) is not the subject of disciplinary proceedings pending in any jurisdiction in which the attorney is a member of the bar;
 - (C) has not previously had a *pro hac vice* admission to this court (or other admission for a limited purpose under this rule) revoked for misconduct; and

(D) has read and agrees to comply with the Local Rules of the United States District Court for the District of Massachusetts.

(4) **Payment of Fee.** An attorney seeking admission under this rule shall pay the appropriate fee to the clerk of court.

(5) **Attorney Subject to Pending Disciplinary Proceedings.** An attorney who otherwise satisfies the requirements of this rule, but who is the subject of disciplinary proceedings pending in another jurisdiction that have not yet been resolved, may seek to appear and practice in this court by providing, in lieu of the certification required by paragraph (e)(3) of this rule, a full explanation of the nature of the proceedings and the alleged underlying conduct. Such an applicant may not be permitted to appear and practice in this court unless the judicial officer concludes that the proceeding is not reasonably likely to result in disbarment or suspension or other serious attorney disciplinary action.

(f) **Attorneys in Removed Cases.** An attorney who is a member of the Massachusetts bar who represents a party in a case that has been removed to this court, and who filed an appearance in that case prior to its removal, may appear and practice in this court in that case upon payment of the fee and the filing of the certification required by paragraph (e)(3) of this rule.

(g) **Attorneys in Multidistrict Litigation Cases.** An attorney who represents a party in a case transferred to this district by the Judicial Panel on Multidistrict Litigation, and who filed an appearance in that case prior to its transfer, may appear and practice in this court in that case under such circumstances as the assigned judge may by order provide.

(h) **Attorneys in Other Transferred Cases.** An attorney who represents a party in a case transferred to this district from another federal district, other than an MDL case, and who filed an appearance in that case prior to its transfer, shall seek admission under this rule within 21 days of the transfer to this court. The court may waive the requirement of local counsel for good cause shown.

(i) **Attorneys in Bankruptcy Cases.** An attorney who has been granted leave to appear *pro hac vice* in the bankruptcy court for this district in a case, contested matter, or adversary proceeding may appear and practice in any appeal, motion to withdraw the reference, or other proceeding pending in that same case, matter, or proceeding in the district court without having to file another motion to appear *pro hac vice* in the district court.

(j) **Emergency Filings.** An attorney who is not a member of the bar of this district may sign a complaint, answer, or other pleading reasonably necessary to prevent the expiration of a period of limitations or an entry of default; provided, however, that any such pleading is accompanied by a motion for admission under this subsection, or such a motion is filed no later than 7 days thereafter.

Effective September 1, 1990; amended effective February 1, 2012, January 1, 2015.